



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 11, 1992

Mr. Mario L. Dell'Osso  
Olson & Olson  
Three Allen Center, Suite 3485  
333 Clay Street  
Houston, Texas 77002

OR92-323

Dear Mr. Dell'Osso:

You ask whether information pertaining to an investigation by the City of Tomball of certain city contracts is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 15755.

You claim that the information in question may be withheld from required public disclosure under section 3(a)(3) of the Open Records Act. Section 3(a)(3) permits withholding of

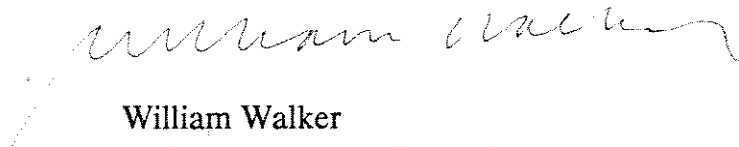
information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

You advise that the information at issue relates to a pending lawsuit against the city. Having reviewed the documents at issue, we conclude that they do relate to that pending litigation and may consequently be withheld under section 3(a)(3) at this time. Please note that the protection afforded by section 3(a)(3) lasts only while the litigation to which the information relates is still pending and only so long as the opposing parties in the litigation have not otherwise obtained access to such information. See Open Records decision No. 551 (1990) (copy enclosed). In that we have resolved your request under section 3(a)(3), we do not address at this time

your claims that the information may also be withheld under sections 3(a)(1), 3(a)(7), 3(a)(8), and 3(a)(11) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-323.

Yours very truly,

A handwritten signature in cursive script, appearing to read "William Walker", is written over a horizontal line.

William Walker  
Assistant Attorney General  
Opinion Committee

WW/lmm

Ref.: ID# 15755

Enclosure: Open Records Decision No 551.

cc: Ms. Karla G. Lee  
13127 Theis Lane  
Tomball, Texas 77375